

1 ARCH Y. STOKES, Georgia State Bar No. 683100  
2 [astokes@sheastokes.com](mailto:astokes@sheastokes.com)  
3 SHEA STOKES, ALC  
4 3593 Hemphill Street  
5 College Park, GA 30337  
6 TELEPHONE: (404)766-0076  
7 FACSIMILE: (404)766-8823

6 PETER B. MARETZ, California State Bar No. 144826  
[pmaretz@sheastokes.com](mailto:pmaretz@sheastokes.com)  
7 VICTORIA G. PURUGANAN, California State Bar No. 239257  
[vpuruganan@sheastokes.com](mailto:vpuruganan@sheastokes.com)  
8 SHEA STOKES, ALC  
9 510 MARKET STREET, THIRD FLOOR  
SAN DIEGO, CALIFORNIA 92101-7025  
TELEPHONE: (619) 232-4261  
FACSIMILE: (619) 232-4840

Attorneys for Four Seasons Hotels Limited, a Canadian company

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

4 BENIGNO BACOLORES, on behalf of  
5 himself and all others similarly situated,  
Plaintiff

V.

8 FOUR SEASONS HOTELS LIMITED, a  
Canadian company doing business in  
California, and Does 1-100, inclusive.

Defendant.

CASE NO. C-07-05592 MHP

(San Francisco Superior Court Case No. CGC-07-467485)

**DECLARATION OF PETER B. MARETZ  
IN SUPPORT OF DEFENDANT FOUR  
SEASONS HOTELS LIMITED'S  
MOTION TO TRANSFER VENUE TO  
THE CENTRAL DISTRICT OF  
CALIFORNIA  
[28 U.S.C. §1404(a)]**

**ACCOMPANYING PLEADINGS:  
NOTICE OF MOTION; SUPPORTING  
MEMORANDUM OF POINTS AND  
AUTHORITIES; DECLARATION OF  
SAMANTHA WALDER**

Date: January 7, 2008  
Time: 2:00 p.m.  
Courtroom: 15  
Judge: Marilyn Hall Patel

## Class Action Fairness Act

Action Filed September 21, 2007

28 | //

1 I, PETER B. MARETZ, declare:

2  
3 1. I am an attorney licensed to practice law before all courts in the State of California  
4 and the United States District Court, Northern District of California, and am an attorney with the  
5 law firm of Shea Stokes, ALC, attorneys of record herein for Defendant FOUR SEASONS  
6 HOTELS LIMITED. I have personal knowledge of the facts set forth in this Declaration and can  
7 competently testify thereto. I make this declaration in support of Defendant Four Seasons  
8 Limited's Motion to Transfer Venue to the Central District of California

9 2. Plaintiff commenced this lawsuit on September 21, 2007, in the Superior Court of  
10 California, County of San Francisco. Pled as a class action, the lawsuit alleges Plaintiff and the  
11 putative class members, consisting of Four Seasons employees, missed meal and rest breaks, and  
12 were forced to work "off the clock." The complaint seeks recovery of unpaid wages and penalties.

13 3. On November 2, 2007, Four Seasons successfully removed the action to this Court.  
14 Subject matter jurisdiction is founded on diversity of citizenship under both 28 U.S.C. section  
15 1332(a) and 28 U.S.C. section 1332(d) (the Class Action Fairness Act).

16 4. Four Seasons is a Toronto, Ontario based management company involved in the  
17 management of high-end luxury hotels, including the Four Seasons Los Angeles at Beverly Hills  
18 ("the Hotel").

19 5. Samantha Walder is expected to testify regarding the policies and procedures at the  
20 Hotel regarding meal and rest breaks, and working off the clock. Specifically, Ms. Walder is  
21 expected to testify that meal and rest breaks were provided to employees as a matter of practice  
22 and policy. Moreover, Ms. Walder will testify regarding the strict prohibition at the Hotel against  
23 working off the clock.

24 6. Elena Pikor is expected to testify regarding the administration and maintenance of  
25 employee time and payroll records.

26 7. Ashley James was Mr. Bacolores's Division Head and is expected to testify  
27 regarding the practices and procedures within that Division for meal and rest breaks, and working  
28 off the clock.

1       8.     It is anticipated that several of Mr. Bacolores's immediate supervisors, including  
2 current and former Sous Chefs at the Hotel will testify regarding the practices and procedures  
3 within that department with respect to employees being provided meal and rest breaks, and  
4 employees being prohibited from working off the clock.

5        9.      Insofar as this case is not limited to kitchen employees, it is anticipated that  
6 numerous managers, supervisors and line employees, current and former, and from departments  
7 throughout the Hotel will testify on these same issues.

8        10.      As for convenience to the Defendant, the majority of its witnesses will be from the  
9 Hotel in Los Angles.

10        11.      Because the Plaintiff and the putative class members are alleging failure to pay  
11 wages, provide meal periods and rest periods, and failure to provide wage statements, the  
12 documents relevant to this complaint would include the Hotel employment agreements, wage  
13 statements, employment records, earning statements, timekeeping records, payroll records, and the  
14 like.

16 I declare under penalty of perjury under the laws of the State of California that the  
17 foregoing is true and correct. Executed this 9th day of November 2007, at San Diego, California.

/s/ Peter B. Maretz  
Peter B. Maretz